

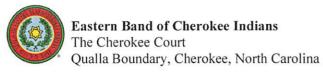
Instructions on Filing a Motion for An Order to Appear and Show Cause and Motion for Contempt

These instructions are for general informational purposes only. A Motion for an Order to Appear and Show Cause and Motion for Contempt should be completed only if there is a currently enforceable Order of the Cherokee Court. A Motion for an Order to Appear and Show Cause and Motion for Contempt is asking the Court for two things: (1) to order the other person to attend the hearing and explain why they have not been following the Court's order, and (2) to punish the other person (hold them in contempt) for their failure to obey and follow the Court's order.

If you are unsure whether you should file a Motion for an Order to Appear and Show Cause and Motion for Contempt or if you have any questions while filling out the form, you should talk to an attorney. Before representing yourself in Court, it is your responsibility to research and become familiar with the rules and laws. The Judge, court personnel, and staff of the Clerk of Court's Office cannot help you with filling out forms, giving you advice on your case, or helping you prepare for the hearing.

Instructions:

- It is your responsibility to obtain the correct mailing address for the plaintiff/defendant. If
 necessary, you may call or visit the Clerk of Court's Office to confirm the case number and the
 last known address on record in the case. Enter this information in the appropriate places on
 the form.
- 2. Complete the Motion for an Order to Appear and Show Cause and Motion for Contempt. Make sure your handwriting is clear and a Judge is able to read what you have written. Be sure to explain exactly what the other party did or did not do.
- 3. You **MUST** attach a copy of the Order that you are alleging the person has failed to comply with to your Motion. You may politely ask the Clerk of Court's Office for a copy of the Order if you do not have one available.
- 4. Only sign the Motion if you are before a notary. A list of notaries in your area may be found online through the North Carolina Secretary of State's Office.
- 5. Bring your completed Motion (with the attached Order) to the Clerk of Court's Office when you are ready to file. The Clerk's Office will file-stamp your Motion and present it to a Judge.
- 6. If the Judge finds that there <u>is probable cause</u> that the other party has failed to comply, they will issue an Order to Appear and Show Cause. Your Motion for Contempt is still pending, and you must attend the hearing date listed on the Order.
- 7. If the Judge finds that there is <u>not probable cause</u> to issue an Order to Appear and Show Cause, they will deny your Motion <u>in part</u>. Your Motion for Contempt is still pending, and you must attend the hearing date listed on the Order.
- 8. Arrive on time for the hearing. Bring all information/evidence/witnesses with you.



File No.:	
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Plaintiff (Name and Address)		
vs. Defendant (Name and Addres	ss)	MOTION FOR AN ORDER TO APPEAR AND SHOW CAUSE AND MOTION FOR CONTEMPT
	efendant to appear and sh	☐ Plaintiff ☐ Defendant in the above action, move the Court ow cause as to why they should not be held in contempt for
The Order, a copy of whice Cherokee Court.	h is attached to this motio	n, was entered on, 20 in the
2. ☐ The Order remains in fo	orce and effect.	
3. The Order requires the □ 1	Plaintiff Defendant to:	
additional sheets if necessa	ary):	the following manner (be as specific as possible, attach
		r is able to take reasonable measures to enable their compliance.
		tires the party named above to appear and show cause, if any, as ilure to comply with the Court's order, and for an order holding
knowledge, information, and be	elief after reasonable inquiry	ead the motion, that you have completed it to the best of your r, that it is well grounded in fact and is warranted by existing see. ONLY SIGN BEFORE A NOTARY)
SWORN/AFFIRMED AND	SUBSCRIBED BEFOR	
Ay commission expires:	Date	Signature
iame of Notary/Official	Signature	Date
Seal)		